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Countrywide Home Loans Servicing, LP fka Countrywide Home Loans, Inc.  
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10 UNITED STATES BANKRUPTCY COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12  
13 In re ) Bk. No. 09-12892  
14 BETH WAYNE and DAVID R. WAYNE, ) Chapter 11  
15 Debtors. )  
16 \_\_\_\_\_) OPPOSITION TO DEBTORS'  
17 ) MOTION TO VALUE CLASS 5 CLAIM  
18 )  
19 ) Hearing -  
20 ) Date : February 3, 2010  
21 ) Time : 9:00 AM  
22 ) Place: U.S. Bankruptcy Court  
23 ) 5<sup>th</sup> and H Streets  
24 ) Eureka, CA  
25 )  
26 )  
27 )  
28 )

22 BAC Home Loans Servicing, LP, fka Countrywide Home Loans Servicing, LP fka  
23 Countrywide Home Loans, Inc., holder in due course, and secured creditor in the above-entitled  
24 Bankruptcy proceeding, its assignees and/or successors in interest, hereby submits the following  
25 Opposition to Debtors' Motion to Value the Class 5 Claim:

26 Debtors, Beth and David R. Wayne, Chapter 11 case 09-12892 filed a Chapter 11  
27  
28

1 Plan which was confirmed by Order entered on the Court's docket on December 4, 2009.

2 Secured Creditor, BAC Home Loans Servicing, L.P. fka Countrywide Home  
3 Loans Servicing., L.P. fka Countrywide Home Loans, Inc., its assignees and/or successors in  
4 interest, has a secured lien on the real property commonly known as **137 14<sup>th</sup> Street, Eureka,**  
5 **California.**

6 For all the reasons, stated herein, Secured Creditor opposes the Debtor's Motion  
7 to Determine Secured Value and requests an evidentiary hearing and the presentation of  
8 evidence. The origination appraisal in the file dating from the initiation of the debt obligation  
9 indicated a fair market value of \$351,900.00 for the subject property. The Secured Creditor is  
10 seeking to update the information regarding the fair market value of the property, but due to the  
11 limited number of comparable properties has not yet completed an appraisal or broker's price  
12 opinion, and specifically reserves the right to supplement this opposition with updated fair  
13 market value information.  
14

15 WHEREFORE, secured creditor prays as follows:  
16

17 (1) Request Debtor's Motion be Denied, or in alternative set for evidentiary  
18 hearing.

19 (2) For such other relief as this Court deems proper.  
20

21 Dated: January 26, 2010

22 Prober & Raphael, A Law Corporation

23 By /s/ Dean R. Prober, Esquire  
24 DEAN R. PROBER, ESQUIRE, #106207  
25 Attorney for Secured Creditor  
26 20750 Ventura Boulevard, Suite 100  
27 Woodland Hills, California 91364  
28 (818) 227-0100  
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**SPECIAL NOTICE**

2  
**THE FOLLOWING NOTICE IS GIVEN TO YOU IN THE EVENT THAT**  
**THE FEDERAL FAIR DEBT COLLECTIONS ACT APPLIES TO THIS**  
**COMMUNICATION.**

3  
The following statement provides you with notice of certain rights which you may have by law.  
4  
Nothing in this statement modifies or changes the hearing date or response time specified in the  
5  
attached documents or your need to take legal action to protect your rights in this matter. No  
6  
provision of the following statement modifies or removes your need to comply with local rules  
7  
concerning the attached documents.

8  
**CONSUMER DISCLOSURE**

9  
This communication is made in an attempt to collect on a debt or judgment and any information  
10 obtained will be used for that purpose. Please be advised that if you notify BAC Home Loans  
11 Servicing, LP's attorneys in writing within 30 days that all or a part of your obligation or judgment to  
12 BAC Home Loans Servicing, LP is disputed, then BAC Home Loans Servicing, LP's attorneys will  
13 mail to you a written verification of the obligations or judgment and the amounts owed to BAC  
14 Home Loans Servicing, LP. In addition and upon your written request within 30 days, you will be  
15 provided with the name and address of the original creditor, if different from the current creditor.

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